

IN THE CLAIMS:

1. (Withdrawn) An alfalfa variety that has on average about 8% or greater faster recovery after spring green-up or after harvest compared to an adapted commercial variety grown under the same field growing conditions in North America, wherein the adapted commercial variety is selected from the group consisting of 'WinterGold', 'WL325HQ', 'WL319HQ' and 'Hybri-Force 400'.
2. (Currently Amended) The alfalfa variety of claim 15 [1] wherein the alfalfa variety has on average about 10% or greater faster recovery after spring green-up or after harvest.
3. (Currently Amended) The alfalfa variety of claim 15 [1] wherein the alfalfa variety has on average about 20% or greater faster recovery after spring green-up or after harvest.
4. (Currently Amended) The alfalfa variety of claim 15 [1] wherein the alfalfa variety has on average about 30% or greater faster recovery after spring green-up or after harvest.
5. (Withdrawn) An alfalfa variety that has on average about 15% or greater more erect stems at late bloom compared to an adapted commercial variety grown under the same field growing conditions in North America, wherein the adapted commercial variety is selected from the group consisting of 'WinterGold', 'WL325HQ', 'WL319HQ' and 'Hybri-Force 400'.
6. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 20% or greater more erect stems.
7. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 25% or greater more erect stems.
8. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 30% or greater more erect stems.

9. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 35% or greater more erect stems.
10. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 40% or greater more erect stems.
11. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 45% or greater more erect stems.
12. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 50% or greater more erect stems.
13. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 55% or greater more erect stems.
14. (Currently Amended) The alfalfa variety of claim 15 [5] wherein the alfalfa variety has on average about 60% or greater more erect stems.
15. (Original) An alfalfa variety with the following characteristics:
 - a) on average about 8% or greater faster recovery after spring green-up or after harvest compared to an adapted commercial variety grown under the same field growing conditions in North America, wherein the adapted commercial variety is selected from the group consisting of 'WinterGold', 'WL325HQ', 'WL319HQ' and 'Hybri-Force 400'; and
 - b) on average about 15% or greater more erect stems at late bloom compared to an adapted commercial variety grown under the same field growing conditions in North America, wherein the adapted commercial variety is selected from the group consisting of 'WinterGold', 'WL325HQ', 'WL319HQ' and 'Hybri-Force 400'.

16. (Currently Amended) Seed of the alfalfa variety of claim 15 ~~1 or claim 5~~ or regenerable parts of said seed.
17. (Currently Amended) Pollen of the alfalfa variety of claim 15 ~~1 or claim 5~~.
18. (Original) Seed of an alfalfa plant pollinated by the pollen of claim 17 or regenerable parts of said seed.
19. (Original) An alfalfa plant produced by the seed of claim 16 or regenerable parts of said seed.
20. (Withdrawn) Seed of alfalfa germplasm designated 'CW 75046' and having ATCC Accession No. PTA-5346.
21. (Withdrawn) Seed of alfalfa germplasm designated 'CW 83201' and having ATCC Accession No. PTA-5347.
22. (Withdrawn) Seed of alfalfa germplasm designated 'CW 85029' and having ATCC Accession No. PTA-5348.
23. (Withdrawn) Seed of alfalfa germplasm designated 'CW 95026' and having ATCC Accession No. PTA-5349.
24. (Withdrawn) A method for producing first-generation synthetic variety alfalfa seed comprising crossing a first parent alfalfa plant with a second parent alfalfa plant and harvesting resultant first-generation (F1) hybrid alfalfa seed, wherein said first or second parent alfalfa plant is selected from the alfalfa variety of claim 1 or claim 5.
25. (Withdrawn) A tissue culture of regenerable cells, the cells comprising genetic material from an alfalfa plant of 'CW 75046', wherein the cells regenerate plants having all the

morphological and physiological characteristics of a plant of 'CW 75046', the seed of which have been deposited and have ATCC Accession No. PTA-5346.

26. (Withdrawn) A tissue culture of regenerable cells, the cells comprising genetic material from an alfalfa plant of 'CW 83201', wherein the cells regenerate plants having all the morphological and physiological characteristics of a plant of 'CW 83021', the seed of which have been deposited and have ATCC Accession No. PTA-5347.

27. (Withdrawn) A tissue culture of regenerable cells, the cells comprising genetic material from an alfalfa plant of 'CW 85029', wherein the cells regenerate plants having all the morphological and physiological characteristics of a plant of 'CW 85029', the seed of which have been deposited and have ATCC Accession No. PTA-5348.

28. (Withdrawn) A tissue culture of regenerable cells, the cells comprising genetic material from an alfalfa plant of 'CW 95026', wherein the cells regenerate plants having all the morphological and physiological characteristics of a plant of 'CW 95026', the seed of which have been deposited and have ATCC Accession No. PTA-5349.

29. (Withdrawn) An alfalfa variety having high yield, persistence, multiple pest resistance, fast recovery after winter, improved standability and fast recovery after spring green-up or after harvest when compared to an appropriate check variety grown under the same field growing conditions in North America.

CONCLUSION

The amendments made herein are fully supported by the as-filed specification, and as such, no new matter has been added by way of the present amendment. Therefore, Applicants respectfully submit that the instant application is in full condition for allowance. Favorable examination of the claims on the merits is respectfully requested. The Examiner is invited to contact the undersigned if any issues remain outstanding after consideration of this Amendment and Response.


Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS, LLP

Dated: September 26, 2005

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202.739.3000

By: 
Erich E. Veitenheimer
Reg. No. 40,420